

OFFICE OF THE STANDING CHAPTER 13 TRUSTEE
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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

IN RE:

Case No: 24-42560-MXM

MICHAEL AARON PRITCHARD
JOI LYNN PRITCHARD

Court Hearing:
Time & Date: 8:30 AM on
Thursday, October 17, 2024

Debtors,

TRUSTEE'S OBJECTION TO CONFIRMATION

TO THE HONORABLE MARK X MULLIN, U.S. BANKRUPTCY JUDGE:

Now comes Tim Truman, the Standing Chapter 13 Trustee, and files this his "Trustee's Objection to Confirmation" of the Plan heretofore filed herein by Debtors, and for the same would respectfully show the Court as follows:

The Plan fails to meet the "feasibility" requirements of 11 U.S.C. Section 1325 (a) (6) of the Bankruptcy Code. In this regard, the Trustee would show that the Debtors' proposed Plan provides for the following plan payments:

DEBTOR PAY SCHEDULE NO. 1 (MICHAEL AARON PRITCHARD)

PAYMENTS BEGINNING: 08/23/2024 FOR 60 MONTHS IN THE AMOUNT OF: \$875.00

The Debtors' monthly surplus per Schedules I and J is \$876.30. Therefore, the Plan does not appear to be feasible for that reason, and for the following reason(s) if any:

MICHAEL AARON PRITCHARD has not provided the Trustee with current pay stubs, a current Profit & Loss Statement, or other income verification to support the income information reflected on Schedule I. Until the financial affairs of the Debtor are more completely documented and examined, the Trustee is unable to recommend Confirmation of the Plan.

The Plan fails to meet the "disposable income" requirements of 11 U.S.C. Section 1325 (b) (1) (B) since the Plan does not propose to pay all of the Debtors' disposable income for the applicable commitment period to the Debtors' unsecured creditors.

24-42560-MXM MICHAEL AARON PRITCHARD & JOI LYNN PRITCHARD

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The Plan provides for an unsecured creditors' pool ("the pool") of \$0.00. The Trustee has calculated a pool of \$14,427.60 based on a monthly disposable income of \$240.46 over a 60 month applicable commitment period, with the following add-backs, if any:

Line 16 Trustee is adding back tax withholdings since debtor testified to at least a \$14,000 refund each year.

\$1,000.00

Line 22 Medical expenses. Trustee request proof of out of pocket expenses.

\$1,000.00

Subtotal \$2,000.00

WHEREFORE, PREMISES CONSIDERED, the Trustee prays that said Plan not be confirmed unless and until it has been modified to cure all objections set forth hereinabove, and for general relief.

Respectfully submitted,

By: /s/ Angela D. Allen

Tim Truman, Bar # 20258000

Standing Chapter 13 Trustee

Angela Allen, Bar # 007869700

Staff Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing "Trustee's Objection to Confirmation" was served on all parties listed below in the manner listed below on or before September 16, 2024.

/s/ Angela D. Allen

Tim Truman, Angela Allen

BY FIRST CLASS MAIL:

MICHAEL AARON PRITCHARD, JOI LYNN PRITCHARD, 3926 WENTWORTH DR, ARLINGTON, TX 76001-0000

BY ELECTRONIC SERVICE:

BRYEANS AND GARCIA PLLC, 5001 S COOPER ST #209, ARLINGTON, TX 76017

MCCARTHY AND HOLTHUS, 1255 W 15TH ST #1060, PLANO, TX 75075

LINEBARGER GOGGAN BLAIR & SAMPSON LLP, 2777 N STEMMONS FWY #1000, DALLAS, TX 75207

United States Trustee, 1100 COMMERCE STREET, ROOM 976, DALLAS, TX 75242